

### REMARKS

Reconsideration of the instant application is respectfully requested. The present amendment is responsive to the Office Action of February 2, 2005, in which claims 1-2 are presently pending. Both have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,207,538 to Pan, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

As an initial matter, paragraph [0014] of the specification has been amended as indicated above to correct the Brief Description of the Drawings section. In addition, paragraph [0001] of the electronically filed specification has been amended to include the issued patent number (6,780,736) of the related parent application.

With regard to the §102 rejections outlined above, claim 1 has been amended as indicated above to more particularly recite the first implant mask layer (silicon ARC) and the second implant mask layer, the first implant mask layer having an etch selectivity with respect to the second implant mask layer. In addition, newly added claim 3 recites an etch stop layer initially formed upon the substrate, while newly added claim 4 recites the etch stop layer is a first organic antireflective coating layer, and the second implant mask layer is a second organic antireflective coating layer. Support for these amendments may be found at least in paragraphs [0017] and [0023] of the electronically filed specification.


A review of the Pan reference reveals that there is no teaching or suggestion of a silicon antireflective coating first implant mask layer, nor is there a second implant mask layer wherein the first implant mask layer has an etch selectivity with respect to the second implant mask layer, as is presently claimed. Rather, Pan teaches a first implantation (Figure 2) where the photoresist 16 serves as the implant mask, which is subsequently removed in Figure 3. A high density plasma chemical vapor deposition (HDPCVD) process is then used to form an oxide layer 20 that (following planarization

in Figure 4) covers the first implant regions 18. Remaining barrier layer portions 14 are then removed to expose adjacent regions for a second implantation process. Thus, since the photoresist layer 16 is removed prior to the formation of the HDPCVD oxide layer 20, there is no etch selectivity of the resist layer 16 with respect to the oxide layer 20. Accordingly, it is respectfully submitted that the claims as presently amended have overcome the §102(b) rejections based on Pan, and it is respectfully requested that the same be withdrawn.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0458 maintained by Applicant's attorneys.

Respectfully submitted,  
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